

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Eric Joseph Kaminsky**  
Debtor(s)

Bankruptcy Case No.: 17-24814-JAD  
Issued Per Aug. 29, 2019 Proceeding  
Chapter: 13  
Docket No.: 63 – 54, 57, 58  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated June 25, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: No further payments to FBC Mortgage, LLC (Claim No. 9) because of surrender of collateral in the amended plan. All prior payments ratified and confirmed. The estimated pool of funds available to be paid to general unsecured creditors and estimated percentage dividend are revised to \$21,276.21 (100 percent). The 2012 Hyundai Santa Fe (Jefferson Capital Systems at Claim No. 1) is on reserve pending written notification from Debtor's counsel reserve to be removed. The Trustee's certificate of default to dismiss [Dkt. No. 44] is resolved by this amended plan.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: September 4, 2019

Jeffery A. Deller  
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Eric Joseph Kaminsky  
 Debtor

Case No. 17-24814-JAD  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: jhel  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 25

Date Rcvd: Sep 04, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 06, 2019.

db  
 14737278 #+Eric Joseph Kaminsky, 352 Thompson Road, Chicora, PA 16025-4512  
 14737277 +BHS Faster Care PLLC, PO Box 1549, Suite 550, Butler, PA 16003-1549  
 14737279 +Best Buy/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497  
 14737281 +Brand Source, PO Box 9001006, Louisville, KY 40290-1006  
 14737282 +Butler Emergency Physicians, PO Box 3478, Allentown, PA 18106-0478  
 14737283 +Butler Imaging & Interventional Assoc., 7 Acee Drive, Natrona Heights, PA 15065-9700  
 14737284 +Butler Medical Providers, Suite 001, PO Box 1549, Butler, PA 16003-1549  
 14737290 +Butler Memorial Hospital, One Hospital Way, Butler, PA 16001-4697  
 14755503 ++COLLECTION SERVICE CENTER INC BUTLER PA, PO BOX 1623, BUTLER PA 16003-1623  
 14737289 (address filed with court: Collection Service Center, PO Box 1623, Butler, PA 16003)  
 14737291 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701  
 14737293 +Clearview Federal Credit Union VISA, PO Box 71050, Charlotte, NC 28272-1050  
 14737297 +Credit Control Corp, 11821 Rock Landing Drive, Newport News, VA 23606-4225  
 14770272 +Credit Control Group, 11821 Rock Landing Drive, Newport News, VA 23606-4225  
 14751532 +FBC Mortgage, LLC, 189 S. Orange Ave., Ste 970, Orlando, FL 32801-3264  
 +FBC Mortgage, LLC, 425 Phillips Boulevard, Ewing, NJ 08618-1430  
 +Northwest Bank, PO Box 337, Warren PA 16365-0337

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14737280 +E-mail/Text: dl-collectionsbankruptcyteam@drivetime.com Sep 05 2019 03:10:13 Bridgecrest,  
 PO Box 53087, Phoenix, AZ 85072-3087  
 14746494 +E-mail/Text: dl-collectionsbankruptcyteam@drivetime.com Sep 05 2019 03:10:13  
 Bridgecrest Credit Company, LLC, PO BOX 29018, PHOENIX, AZ 85038-9018  
 14737285 +E-mail/Text: bankruptcy@clearviewfcu.org Sep 05 2019 03:09:15  
 Clearview Federal Credit Union, 8805 University Blvd., Coraopolis, PA 15108-4212  
 14737296 +E-mail/Text: collect@ccsroanoke.com Sep 05 2019 03:10:17 Creditors Collection Service,  
 4530 Old Cave Spring Road, Roanoke, VA 24018-3423  
 14933956 E-mail/Text: JCAP\_BNC\_Notices@jcap.com Sep 05 2019 03:10:00 JEFFERSON CAPITAL SYSTEMS LLC,  
 PO Box 7999, St Cloud MN 56302  
 14737298 E-mail/Text: bncnotices@becket-lee.com Sep 05 2019 03:08:24 Kohl's, PO Box 3043,  
 Milwaukee, WI 53201-3043  
 14767085 E-mail/PDF: resurgentbknofications@resurgent.com Sep 05 2019 03:13:41  
 LVNV Funding, LLC its successors and assigns as, assignee of Arrow Financial Services,,  
 LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 14737300 +E-mail/PDF: RACBANKRUPTCY@BBANDT.COM Sep 05 2019 03:13:03 Regional Acceptance Corp.,  
 1424 E. Fire Tower Road, Greenville, NC 27858-4105  
 14751149 E-mail/PDF: RACBANKRUPTCY@BBANDT.COM Sep 05 2019 03:13:03 Regional Acceptance Corporation,  
 PO Box 1847, Wilson, NC 27894-1847

TOTAL: 9

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr FBC Mortgage, LLC  
 cr FBC Mortgage, LLC  
 cr\* ++JEFFERSON CAPITAL SYSTEMS LLC, PO BOX 7999, SAINT CLOUD MN 56302-7999  
 (address filed with court: Jefferson Capital Systems, PO Box 7999,  
 St Cloud, MN 56302-9617)  
 14737286\* +Clearview Federal Credit Union, 8805 University Blvd., Coraopolis, PA 15108-4212  
 14737287\* +Clearview Federal Credit Union, 8805 University Blvd., Coraopolis, PA 15108-4212  
 14737288\* +Clearview Federal Credit Union, 8805 University Blvd., Coraopolis, PA 15108-4212  
 14737292\* +Credit Control Corp, 11821 Rock Landing Drive, Newport News, VA 23606-4225  
 14737294\* +Credit Control Group, 11821 Rock Landing Drive, Newport News, VA 23606-4225  
 14737295\* +Credit Control Group, 11821 Rock Landing Drive, Newport News, VA 23606-4225  
 14737299 ##+Northwest Consumer Discount, 4213 Washington Road, Canonsburg, PA 15317-2565

TOTALS: 2, \* 7, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.  
 While the notice was still deliverable, the notice recipient was advised to update its address with the court  
 immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices  
 will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The  
 debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0315-2

User: jhel  
Form ID: 149

Page 2 of 2  
Total Noticed: 25

Date Rcvd: Sep 04, 2019

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 06, 2019

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 4, 2019 at the address(es) listed below:

Alexandra Teresa Garcia on behalf of Creditor FBC Mortgage, LLC [ecfmail@mwclaw.com](mailto:ecfmail@mwclaw.com),  
[ecfmail@ecf.courtdrive.com](mailto:ecfmail@ecf.courtdrive.com)  
Ann E. Swartz on behalf of Creditor FBC Mortgage, LLC [ecfmail@mwclaw.com](mailto:ecfmail@mwclaw.com),  
[ecfmail@ecf.courtdrive.com](mailto:ecfmail@ecf.courtdrive.com)  
James Warmbrodt on behalf of Creditor FBC Mortgage, LLC [bkgroup@kmlawgroup.com](mailto:bkgroup@kmlawgroup.com)  
Office of the United States Trustee [ustpreregion03.pi.ecf@usdoj.gov](mailto:ustpreregion03.pi.ecf@usdoj.gov)  
Ronda J. Winnecour [cmecf@chapter13trusteedpa.com](mailto:cmecf@chapter13trusteedpa.com)  
Samuel M. DiFatta on behalf of Debtor Eric Joseph Kaminsky [difattal015@comcast.net](mailto:difattal015@comcast.net),  
[richard.gainey@comcast.net](mailto:richard.gainey@comcast.net); [difattasr89351@notify.bestcase.com](mailto:difattasr89351@notify.bestcase.com)

TOTAL: 6